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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

08 MAY -8 PM 4:34

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Magistrate's Case No.

'08 MJ 1461

V.

COMPLAINT FOR VIOLATION OF
Title 18 U.S.C. 922(k) and 924(a)(1)(B)-
Possession or Transfer of Firearm with
Obliterated Serial Numbers


NOAH MICHAEL TIMMONS,

DEPUTY

The undersigned complainant being duly sworn states:

COUNT ONE

On or about May 8, 2007, within the Southern District of California, defendant **NOAH MICHAEL TIMMONS**, did knowingly and intentionally possess, and transfer, a firearm that had been transported in interstate commerce and from which the manufacturer's serial numbers had been obliterated, removed and altered, that is, a Llama .44 magnum caliber revolver; in violation of Title 18, United States Code, Section 922(k), 924(a)(1)(B).


Gordon Geerdes
Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn to before me and subscribed in my presence, this 8 day of May, 2008.

LOUISA S. PORTER
United States Magistrate Judge

United States of America

v.

Noah Michael TIMMONS

Statement of Facts in Support of Complaint

This statement of facts is based on my own observations from my personal participation in the investigation including interviews along with analysis of reports submitted by other Law Enforcement Officers participating in this investigation.

In violation of the aforementioned statute the following acts were committed in the Southern District of California:

On May 4, 2007, NCIS Special Agent Ryan Colwell contacted ATF for assistance after obtaining information that Noah M. TIMMONS, an active member of the U.S. Navy, was in possession of several firearms that he was actively trying to sell. A query into the Automated Firearms System (AFS) revealed TIMMONS did not have any firearms legally registered in his name.

Continuing on this date, a confidential source provided TIMMONS with the undercover cell phone number for ATF Special Agent Harry Penate, who was acting in an undercover capacity. Continuing on this date, TIMMONS called Undercover Agent Penate (herein referred to as UCA Penate) and informed him he was looking to sell three firearms. UCA Penate told TIMMONS, he was currently unable to talk with TIMMONS, but would call him back the following Monday.

On May 7, 2007, UCA Penate telephonically contacted TIMMONS reference the firearms transaction. TIMMONS told UCA Penate he had three firearms for sale for \$900.00. TIMMONS stated he had obliterated the serial number on a .44 caliber revolver in his possession. UCA Penate informed TIMMONS he was interested in the firearms. TIMMONS agreed to sell the three firearms and arranged to perform the transaction at the Parkway Plaza Mall on the following day.

On May 8, 2007, at approximately 1:50 PM UCA Penate while in an undercover capacity traveled to the predesignated location where he was to meet TIMMONS. While parked in an undercover vehicle, UCA Penate observed a lifted Ford pick up truck driving in the parking lot. UCA Penate waved the vehicle over, and it parked next to the undercover vehicle. UCA Penate greeted the white male driver whom introduced himself as "T". UCA Penate recognized "T" as a person whom he had previously identified as Noah Michael TIMMONS.

At UCA Penate's request TIMMONS entered the passenger side front seat of the undercover vehicle, and TIMMONS informed UCA Penate he had the firearms. TIMMONS exited the undercover vehicle and was observed entering his 2002 Ford F-250 Pickup and then returning to the undercover

vehicle with several firearms. UCA Penate then exchanged \$850.00 of ATF buy funds for the following items:

- Deutshe Were Pistol, Model Werk Erfurt, 7.62 Caliber semi-automatic pistol bearing serial number 130152
- Llama, Model Super Comanche, .44 Magnum 6 shot revolver, with an obliterated serial number.
- Norinco, Model SKS, 7.62 semi-automatic rifle, bearing serial number 11369320.
- Bag containing assorted ammunition and gun cleaning kit.

Subsequent to the purchase of the firearms, TIMMONS exited the undercover vehicle and was observed driving his truck out of the area. The El Cajon Police Department conducted a traffic stop of TIMMONS vehicle. The traffic stop revealed the identity of the driver as Noah Michael TIMMONS 10/07/1986.

Based on the description of the Llama, model Super Comanche, a .44 magnum six shot revolver; this firearm was manufactured in Spain and has therefore traveled in and affected international commerce, based on its presence in California.